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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Ninth session

SUMMARY RECORD OF THE 25th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 23 November 1993, at 3 p.m.

Chairperson: Mr. ALSTON

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GE.93-19521 (E)

The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS (agenda item 4) (continued)

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (continued)

Initial report of New Zealand concerning articles 1 to 15 (continued) (E/1990/5/Add.5; HRI/CORE/1/Add.33; E/C.12/WG/1992/CRP.6/Rev.1)

1. The CHAIRPERSON invited the delegation of New Zealand to reply to the questions put at the previous meeting in connection with the implementation of article 6 of the Covenant.

2. Mr. BEEBY (New Zealand) referred to the apparent discrimination discerned by one member of the Committee in New Zealand's immigration policy, some specific provisions of which were favourable towards citizens of certain countries. Although it was true that there were specific arrangements for citizens of countries in the South Pacific, anybody, regardless of his nationality, could apply to immigrate to New Zealand. The legislation specified various categories of applicant, and gave particular importance to refugees, within the framework of family reunion. There was a set of criteria whereby the capacity of applicants for immigration to integrate into their host society could be assessed; for instance, a minimum knowledge of English was required. All the world's countries were currently represented among immigrants, with a marked increase for the Asian countries.

3. As for the reservations expressed by New Zealand in respect of the Covenant, he recognized that their withdrawal was not a priority for the Government of New Zealand; however, the matter had been raised at a high level and would be considered in due course.

4. The question of whether doctors, health workers, garbage collectors and gravediggers had the right to strike had been raised. The right to strike was guaranteed for all in New Zealand, subject to notice varying in length (from 3 to 14 days), depending on the importance of the service concerned. The work of doctors and all those involved in running hospitals, including psychiatric hospitals, was considered an essential public service; that was not, however, the case with either gravediggers or garbage collectors, although in the case of the latter the question was open to debate.

5. In reply to the question concerning the religious composition of New Zealand, the members of the Committee had been provided with a detailed table on the subject. Similarly, copies of the Human Rights Commission Act were available for those members who had asked specific questions about it. He believed that he had thus concluded the replies to the questions raised in connection with article 6 of the Covenant.

6. The CHAIRPERSON invited the representative of New Zealand to reply to questions on article 7 of the Covenant, concerning the right to just and favourable conditions of work (list of issues, paras. 20 to 24).

7. Mr. BEEBY (New Zealand) said that there was a statutory minimum wage, applicable to all employees aged over 20, in order to guarantee workers an equitable salary and a decent existence for them and their family. There were also statutory minimum conditions of employment (annual leave, sick leave, leave for bereavement or for personal reasons, equal pay for men and women, parental leave and protection against unauthorized deductions from wages). Those minimal conditions applied to all, without any distinction. In the case of people earning low wages with dependents, the law guaranteed a minimum net family income of $NZ 14,810 per year. Family allowances were also paid to low- and middle-income families, for each dependent child. Entitlement was income tested.

8. On the question of measures to eliminate wage discrimination against women, he recognized that despite a number of legislative prohibitions on gender-discrimination, including the Equal Pay Act, the Employment Contracts Act and the Human Rights Commission Act, there were still wage disparities, not all of which could be objectively justified. The Government was closely monitoring the situation and was keen to progress towards equal employment opportunities and equal remuneration between men and women and other groups identified as disadvantaged on the labour market. It had developed an evaluation kit to allow employers to measure the different job categories held by men and women.

9. As for statutory protection in the fields of occupational health and safety, over 95 per cent of the workforce was covered by the Health and Safety in Employment Act 1992, which had come into effect on 1 April 1993, with the exception of the crews of ships and aircraft, who were covered by special legislation applicable to civil aviation and the merchant navy, which was due to be amended to incorporate all the provisions of the 1992 Act. To ensure compliance with its provisions, the Act provided for the appointment of inspectors, authorized to enter and inspect any place of work and to take samples of any material or substances in the place of work, and of departmental medical practitioners, who could suspend people from specific work activities. Inspectors could adopt measures ranging from advice to prosecution. They were required to inform and train employers, employees and any other persons concerned by safety. They could issue improvement and prohibition notices, and if necessary, prosecute offenders. The courts could impose fines and prison sentences of up to one year. Employers were required to report all accidents resulting in serious harm, which could then be investigated by inspectors.

10. The Human Rights Commission Act and the Race Relations Act prohibited all forms of discrimination in the hiring or firing, training or promotion of women because of their sex or marital status; marital status had been added to the grounds on which discrimination was prohibited by the Human Rights Act 1993, which would replace the two former Acts as from 1 February 1994. Employees could lodge complaints on the basis of either Act, or under the personal grievance procedure contained in the Employment Contracts Act, if they wished to complain of discrimination or sexual harassment.

11. In the public sector, the State Sector Act required each government department to implement an equal employment opportunities programme to ensure equal opportunities in employment. The programmes included training for

managers in the recruitment, selection and promotion of women and the introduction of measures to ensure equality of opportunity in human resource policies. The resources of the main public-sector agency responsible for promoting those programmes had recently been increased.

12. In order to promote equal opportunities in employment in the private sector, the Government had set up a joint public/private sector body, the Equal Employment Opportunities Trust (EEO), financed by a special fund, which was responsible for research into, development and promotion of equal opportunity policies and practices.

13. Although the rate of male unemployment had been higher than the female rate since 1989, representing a reversal of the trend, it was mainly because most of the job losses between 1989 and March 1992 had been in male-dominated occupations which had been heavily affected by restructuring and disinflation; manufacturing, construction and transport, where males comprised two thirds of the total labour force. In contrast, total employment had increased in the financial sector, in which men and women were almost equally represented, and in the community and personal services sector, which was heavily dominated by women.

14. Mr. SIMMA thanked the delegation of New Zealand for its explanations concerning the implementation of article 7, but wished to revert to article 6, and more particularly to the question of the possible discrimination in the exclusion of women from employment in combat. He wondered why New Zealand had entered reservations to the Convention on the Elimination of All Forms of Discrimination against Women, but had not seen fit to do so in respect of the Covenant which, however, contained two provisions that specifically concerned non-discrimination.

15. He would also like to know whether the composition of the Human Rights Commission had been changed since the introduction of the major overall reforms.

16. Turning to article 7 of the Covenant, he observed, from document E/1994/5, that the ILO Committee of Experts had noted that the minimum wage rate had not been changed since September 1990. An indication of the rate of inflation in New Zealand would be useful in order to determine whether the wages freeze affected the population's standard of living.

17. As ILO Conventions No. 42 (Occupational diseases) and 17 (Workmen's compensation (accidents)) could be considered identical in spirit to article 7 of the Covenant, he expressed his concern that, according to the ILO Committee of Experts, the burden of proof lay with a worker who claimed to be suffering from an occupational disease. If that were the case, it would be incompatible with the spirit of article 7 of the Covenant. The same observation held for the statutory requirement in New Zealand for the victims of an industrial accident to bear part of the cost of medical treatment.

18. Mr. CEAUSU, referring to article 6 of the Covenant, noted in paragraph 39 of the report (E/1990/5/Add.5) that the minimum age for workers was 15, in practical terms, a fact which raised the question whether so early an age was not incompatible with the right to education; the point was all the more

important as table 6 showed that some 300,000 young people aged from 15 to 19 were in the labour force. He also asked what the racial breakdown of that population was, as it appeared that a far higher number of young Maori left school before completing their secondary education. In the same connection, he would like to know why "unemployment is a particularly acute problem for Maoris", as was stated in paragraph 56.

19. The technical and vocational guidance and training programmes described in paragraph 73 of the report should be commended, although one might ask in what circumstances a child aged under 15 could be authorized to leave school in order to attend an ACCESS course (para. 78) whereas it would undoubtedly be preferable for him to continue his studies.

20. In respect of protection against arbitrary dismissal, he asked whether it was possible for an official who had been dismissed to appeal to the courts against the decision concerning him which he deemed to be unlawful.

21. Mr. BADAWI asked, with regard to the Private Schools Conditional Integration Act, whether there were any schools that were not integrated and whether there were any private ethnic schools; if so, he asked how many there were and whether they were integrated.

22. He also asked what were the deadlines for submission of a complaint to the Human Rights Commission or the Race Relations Conciliator under the procedure described in paragraph 66 of the core document (HRI/CORE/1/Add.33).

23. Mrs. JIMÉNEZ BUTRAGUEÑO associated herself with all the earlier questions and asked for details of the minimum conditions of employment, referred to by the representative of New Zealand, in connection with article 7. She also asked whether a wage scale had been set for workers under the age of 20, as recommended by the ILO Committee of Experts.

24. Lastly, she asked what the potential practical implications for the living conditions of the population of the planned reduction in benefits under the new Industrial Accidents Act.

25. Mrs. BONOAN-DANDAN said that she was disappointed by the vague reply given by the representative of New Zealand concerning inequality of wages for women. She would have liked to know what such discrimination signified, which jobs were affected and what measures had been taken to eliminate it.

26. Mrs. HODGES-AEBERHARD (International Labour Organisation) said that in its 1992 report, the Committee of Experts had asked the Government of New Zealand to give details of the impact of the new legislation, i.e. the Employment Contracts Act, on rates of pay.

27. Mr. SIMMA asked whether the new legislation was mandatory, in view of its provisions authorizing arrangements reached by mutual agreement between employers and employees.

28. Mr. BEEBY (New Zealand) said that the question of the consequences of the reform of labour legislation and of the new Industrial Accidents Act on the living conditions of the population required additional research. The same

applied to certain requests for details on the implementation of ILO Convention No. 26. In reply to Mr. Badawi's question, he said that there were still schools that had not been integrated as well as ethnic private schools, particularly for Maori. He added that a written reply would be sent to answer Mrs. Bonoan-Dandan's question about possible wage discrimination against women.

29. The CHAIRPERSON invited the representative of New Zealand to reply to the questions on article 8.

30. Mr. BEEBY (New Zealand) said, in relation to issue No. 25, that New Zealand had a policy of not ratifying a convention unless it could be satisfied that it already fully complied, both in law and practice, with its requirements. It had not ratified ILO Conventions Nos. 87 and 98 and did not consider that such ratification was necessary in order fully to comply with the provisions of article 8. States parties to Convention No. 98 were required to favour collective bargaining. However, under the Employment Contracts Act, it was for the parties concerned to determine whether an employment contract was to be negotiated individually or collectively. The Act also gave employers and employees the right to be represented and to choose their representatives. It had removed most of the hurdles to ratification of Convention No. 87, although the interpretation of the Convention also posed practical problems that had not been solved. For example, ILO considered that the promotion of collective bargaining, the role of workers' organizations and freedom of association were all closely linked. The philosophy behind the Employment Contracts Act in relation to individual and collective bargaining might therefore be a potential obstacle to the ratification of Convention No. 87 as well as of Convention No. 98. However, New Zealand intended to evaluate the practical consequences of the new Act with a view to ratifying the Conventions.

31. With regard to issue No. 12, the Employment Contracts Act had strengthened the protection of salaried workers, particularly with regard to freedom of association, annual leave, bank holidays and sick leave, access to appeal procedure and to special jurisdictions responsible for enforcing contracts of employment, such as the Employment Tribunal and the Employment Court. Other legislation contained additional protection guaranteeing, in particular, minimum remuneration for employees aged under 20, parental leave, equal wages for men and women and protection against unauthorized deductions.

32. With regard to issue No. 26, New Zealand considered that the provisions of the Employment Contracts Act were compatible with those of articles 7 and 8 of the Covenant, as the Act was neutral in respect of collective bargaining, which it sought neither to promote nor to reduce. Moreover, it guaranteed equal wages for all workers, regardless of whether they were on individual or collective contracts of employment. It authorized the negotiation of such matters as occupational health and safety provisions, provided that applicable legislative requirements were met, and participation in strikes or lock-outs provided they were justified on the grounds of health and safety. It prohibited any form of discrimination in employment, particularly in respect of promotion, and guaranteed all workers who had worked for 6 months the right to 11 paid public holidays and 5 days' special leave with pay during the following 12 months, in addition to 3 weeks' paid annual leave. The

Employment Contracts Act also guaranteed freedom of association and voluntary union membership and set out the circumstances in which strikes were lawful. In any case, all employees could ask the Employment Court to settle a dispute concerning the right to strike, lock-out and trade union membership, and he specified that any strike or lock-out that did not concern conditions of hygiene or safety was unlawful unless it was motivated by the negotiation of a collective contract for the employees concerned.

33. The CHAIRPERSON invited the members of the Committee to put questions to the representative of New Zealand.

34. Mr. CEAUSU asked why it was stated, at the beginning of paragraph 184 of the French version of the report by New Zealand, that "tout travailleur a la faculté de s'affilier à un syndicat" and not that he had the right to do so, as was required by article 8 of the Covenant. In addition, the obligation, under the Labour Relations Act, for trade unions to have a minimum of 1,000 members appeared to be a restriction on the right of workers to form trade unions. He would like to know the view of the representative of ILO on that point.

35. Mr. BEEBY (New Zealand) pointed out that the questions put in connection with paragraphs 184, 192 and 193 of the report concerned the Labour Relations Act 1987, which had subsequently been abrogated and replaced by the Employment Contracts Act 1991.

36. The CHAIRPERSON invited the representative of New Zealand to reply to the questions on article 9 of the Covenant, concerning the right to social security.

37. Mr. BEEBY (New Zealand), in reply to the question concerning the measures taken to implement the principles proclaimed in 1972 by a Royal Commission in order to equalize the standard of living of the population, said that only unemployment benefit rates for single persons aged from 20 to 24 had been reduced by 24.7 per cent; the figure for other categories ranged from 3.1 per cent to 12.8 per cent. The aim was to restore a reasonable gap between the level of unemployment benefits and that of the lowest wages, as the wages freeze in force since the 1980s and the adjustment of benefits to keep track of the cost of living had so narrowed the gap that there was no longer any incentive for recipients to seek employment. In 1972 the Royal Commission had no idea that the amount of benefits might one day occasionally exceed the level of the lowest wages. The reduction in benefit rates had been accompanied by greater funding of "supplementary programmes" which had topped up the basic benefits to the level of actual cost. Since 1991, there had been two increases in benefits.

38. As for the six-month stand-down that applied to certain persons before they received unemployment benefit, he explained that persons who surrendered employment without good and sufficient reason, who refused a second offer of suitable employment or refused to take part in a training course on an employment scheme were considered as "voluntarily unemployed". They could receive limited assistance to meet the needs of their dependents, provided they demonstrated a genuine change in attitude.

39. The CHAIRPERSON asked the representative of New Zealand to reply to the questions concerning protection of the family, mothers and children (art. 10 of the Covenant).

40. Mr. BEEBY (New Zealand) said that in New Zealand society the term family usually meant a group of people linked by kinship ties or close affective relationships such as marriage. Social assistance programmes employed the concept of "core" family, which could be defined as a single adult, a single adult with children, a married couple without children or a married couple with children. As a result of recent social evolution, there were currently the following main types of family: families composed of two adults (with or without children), single-parent families, reconstituted families and families with more than two generations living in the same household. The number of single-parent families had increased most in recent years. The increased significance of the extended family network, particularly, but by no means exclusively, among the Maori and Pacific Island peoples had also been noted.

41. Regarding the age at which children were deemed to attain their majority, he said that under the Age of Majority Act 1970 all persons attained full age on reaching 20. Although persons could make fully enforceable contracts at the age of 18, the courts could in certain circumstances decline to enforce them. Marriage was authorized from the age of 16 with parental consent or, in the case of refusal, with the consent of a family court. Citizens could vote at 18. Offences were tried by the adult criminal justice system from the age of 17. The minimum qualifying age for unemployment benefit and single-parent benefit was 18.

42. Regarding children in paid employment, he said that no data were available on the employment of young people aged under 15, although it was customary for some schoolchildren to take on small part-time jobs or to assist in family businesses. Since the compulsory school-leaving age had been raised to 16, no one under 16 could work during school hours or in any circumstances which interfered with their schooling. An estimated 98,300 15-19 year olds were in employment in the first quarter of 1993, representing approximately 36.5 per cent of that age group, and 30,300 young people aged from 15 to 19 were unemployed and actively seeking work.

43. Regarding the Minimum Wage Act, he recognized that the Act did not apply to workers aged under 20. Successive Governments had not introduced a minimum youth wage on the grounds that young people were already less likely to get work than older people because they lacked work experience, required training and had a higher turnover rate. Prescribing minimum wages for young people were therefore likely to further discourage employers from employing them and to reduce their opportunities for gaining work experience. However, the Government had recognized that it would be reasonable to accept that a young person under the age of 20 had good and sufficient reason for declining a job offer if it paid less than his or her basic unemployment benefit, job search allowance or training benefit, plus $NZ15 a week. All other statutory minimum conditions applied to all employees, regardless of age.

44. On the question of possible discrimination in the measures of protection and assistance provided by the State, he said that the Government of New Zealand did not believe that there were any groups of children and young

persons who were significantly less protected and assisted than the majority. Paragraphs 331 to 340 of the report gave details of the assistance for handicapped children and protection against exploitation, neglect and cruelty. Persons entrusted with orphans and abandoned children received allowances if the natural or adoptive parents had died or were unable to care for the child.

45. With regard to issue No. 34, he said that the Department of Social Welfare advised the Government whenever it appeared that there were difficulties about the provision of the care for children referred to under issue No. 33.

46. Regarding issue No. 35, he said that as a developed country, New Zealand in principle had no need of international assistance for the realization of the right set forth in article 10 of the Covenant.

47. Mr. GRISSA asked to whom was paid the domestic purpose benefit, referred to in a paper on article 9 distributed by the delegation of New Zealand.

48. Mr. BEEBY (New Zealand) said that the benefit was paid to persons on their own caring for children or invalids.

49. Mr. MUTERAHEJURU asked the delegation to explain the meaning of the word "family" in New Zealand society. The word appeared to cover a wide variety of situations ranging from the single-parent family to the extended family (see report, para. 328).

50. He inquired whether the fact that all children, regardless of whether they were natural or legitimate, were henceforth equal before the law (report, para. 310) affected marriage as an institution and the cohesion of the family He asked whether there was any tension between natural and legitimate children.

51. He asked whether the parental leave, referred to in paragraph 303 of the report, was regarded as leave for the purposes of the Labour Code, as it was not paid.

52. The CHAIRPERSON said that in one of its general comments, e Committee had observed that the concept of the family could vary from one country to another, or even within a single country.

53. Mr. TEXIER asked whether the judges who sat on the Youth Court, mentioned in paragraph 329 of the report, had received special training, whether they were assisted by social workers and if they were competent to try both civil and criminal cases.

54. He asked whether, in the case of a divorce, the judges vested parental responsibility in both parents, regardless of their respective faults.

55. Mr. GRISSA asked for details of the protection for the rights of children who had been abandoned by their mother or whose mother was not able to bring them up.

56. The CHAIRPERSON invited the delegation of New Zealand to reply to issues Nos. 36 to 39 concerning the right to an adequate standard of living (art. 11 of the Covenant).

57. Mr. BEEBY (New Zealand) said that there were no data on the per capita GNP of the poorest 40 per cent of the population. He said, however, that 40 per cent of wage earners received under $NZ 25,500 per year and that one wage earner out of five earned less than $NZ 18,800 per year; per capita GNP was $NZ 21,190 in the year ending March 1992.

58. There was no official poverty line in New Zealand. However, the Government ensured that everyone enjoyed an adequate standard of living. Thus, for example, there was a guaranteed minimum family income and minimum old age benefit. Families in need could also receive emergency assistance.

59. Regarding issue No. 37, concerning malnutrition, he said that instances of hunger had recently been reported in low-income sectors of the population but that assistance programmes had been introduced for the most vulnerable, particularly the elderly, the unemployed, the disabled, the sick and people on their own who had to care for children or sick relatives.

60. On the question of food aid, referred to in issue No. 38, he pointed out that in the last three years the number of persons applying to voluntarily run food banks had increased significantly. However, the number was small in comparison with the 850,000 families and individuals who received State financial support. Thus, from May 1992 to June 1993 the amount of special needs grants for food amounted to $NZ 11,600,000.

61. Referring to issue No. 39, which concerned the homeless and the inadequately housed, he said that there were no statistics on the homeless, but that in terms of international standards, New Zealanders were well housed. According to the 1991 census, 74 per cent of households owned their flat or house.

62. There were few homes without electricity, drinking water or a bathroom. However, according to the 1991 census, 16,554 households lacked heating. There were more than two persons per bedroom in approximately 2 per cent of housing. There were a few substandard dwellings (approximately 250). They were essentially in isolated rural areas on the east coast. The number of "illegal" dwellings was also very small.

63. As far as tenants were concerned, the Residential Tenancies Act protected them against arbitrary eviction. The Act stipulated that only the Tenancy Tribunal could order an eviction, provided it had been established that the tenant had seriously violated the terms of the lease. Between May 1991 and June 1992 the Tenancy Tribunal had dealt with 26,600 cases, 18,400 of which had been settled by mediation. There were no statistics on the number of evictions ordered over the previous five years.

64. Since 1 July 1993 persons on low incomes who could not meet their housing expenditure could apply for an accommodation supplement.

65. Mr. SIMMA asked which persons were in need of food parcels.

66. Mr. TEXIER asked whether there was a rent-controlled housing sector reserved for the poorest sectors of the population.

67. The CHAIRPERSON invited the delegation of New Zealand to reply to issues Nos. 40 to 43 concerning the right to physical and mental health (art. 12 of the Covenant).

68. Mr. BEEBY said, with regard to issue No. 40, concerning basic legal protection for persons with mental or physical disabilities, that the Human Rights Act 1993, which would enter into force on 1 February 1994, provided extensive protection for such persons.

69. He added that the Mental Health Act 1992 also protected the rights and dignity of persons who were required to accept treatment. The Act in particular specified the appeal procedure available to those patients.

70. Regarding the impact of changes in income distribution over the previous decade on access by the poorest members of the community to health care (issue No. 41) he said that low-income families had always encountered difficulties in receiving the health care they required, and that the policies adopted recently were designed to address precisely that problem. The new system of benefits was more closely targeted to actual needs; health care and services, including home visits by practitioners and pharmaceutical items were more widely subsidized in the case of low-income families, who were also exempt from contributing to the cost of out-patient hospital care. Persons suffering from chronic illnesses who made extensive use of health services were entitled to free hospital care and to the same subsidy on prescriptions and doctors' visits as low-income earners. Those changes, in conjunction with others, were designed to ensure that the best possible use was made of resources in the health sector and that all, regardless of income, had access to a comprehensive range of health services.

71. Turning to issue No. 42, he said that there was a high level of public participation in the determination of health policy. The Government's health policy statement was based in part on consultation between the public and a task force. The population had also been invited to give its view on important parts of the health reforms in 1991, i.e. core health services and funding for health care, and had opposed the privatization of health care. Core health services and disability support services should reflect the diverse needs and the values of the population being serviced. For that reason, a national committee had been charged with consulting both the public and health professionals about the range of services currently provided. In addition, regional health authorities also had to consult widely with their communities on the type of service to be provided, access to the services and disability or invalidity services. The Minister of Health, the Core Services Committee and the Public Health Commission were striving to establish ongoing consultation processes and research to make more detailed assessment of the priorities and strategies for the public health system. The 1993 Act which reformed the public funding of health and disability services in New Zealand had gone through due parliamentary process, in which the public had been involved through committees.

72. The ratio of hospital beds per 1,000 inhabitants (issue No. 43) reflected a decline in the number of in-patients and an increase in out-patients (56,724 people treated as out-patients in 1989 against 87,574 in 1991). The trend reflected advances in medical technology, which no longer required long hospital stays, as well as greater use of community-based care. The same was true of mental health services: long-term custodial care was gradually giving way to short-term care and out-patient community treatment and care.

73. Mr. BADAWI took it that the recently adopted health policies were designed to improve the quality of existing health care while keeping expenditure on public health at a minimum. He asked the representative of New Zealand to confirm that.

74. Mr. ALVAREZ VITA said that at the previous meeting he had asked a number of questions on different parts of New Zealand's report and inquired whether Mr. Beeby intended to reply immediately or after having dealt with all the points on the list of issues.

75. The CHAIRPERSON invited the representative of New Zealand to reply to the questions asked orally.

76. Mr. BEEBY (New Zealand) said that he had already begun to reply to some of the questions asked by Mr. Alvarez Vita and that he would reply later to all the points raised by him, when he had had time to consider them more closely. In answer to the point raised by Mr. Badawi, he confirmed that the recent health policy reforms were designed to introduce a system of better quality services that were accessible to all. However, the authorities had never believed that it would be possible to improve services without increasing public-sector health expenditure: in fact, health expenditure would certainly continue to rise.

Article 13

77. Mr. BEEBY (New Zealand) explained that although 90 per cent of private schools were controlled by Roman Catholic education authorities (issue No. 44), that was because of the size of the Roman Catholic community in New Zealand and of the importance many Roman Catholics attached to a religious education for their children. He referred to paragraph 695 of the report (E/1990/5/Add.5), and explained that the private schools "integrated into the State system" undertook to teach the same core curriculum as the public schools, in exchange for which the State met in full their operating costs; that arrangement neither prevented them from also providing teaching appropriate to their specific nature - such as religious education in Catholic schools, nor infringed their administrative independence.

78. Regarding issue No. 45, he said that the Education Act 1989, referred to in paragraph 599 of the report had been amended in several respects in the period since the report, in particular as regards the definition of "foreign students" and the regime applicable to them. The term "foreign student" currently designated anyone who was not a New Zealand citizen, who did not possess the status of a resident under the Immigration Act, who was not exempted from the relevant provisions of the Act and who was not a member of a category of persons to whom the regime of "foreign students" did not apply, by

decision of the Minister of Education. All other students, including refugees granted a permit under the Immigration Act, were entitled to free primary and secondary education. In short, "foreigners" were those persons who had applied for an entry visa in order to follow higher education in New Zealand, which was considered to be of high quality and cheaper than in many other countries.

79. As for access to higher education (issue No. 46) he said that the New Zealand authorities had recently introduced a number of reforms designed to increase access to higher education, the effect of which had been to expand funded places by almost 50 per cent over the previous five years. The number of full-time students had increased from approximately 84,000 to over 126,000 between 1987 and 1992. Students had indeed been required to make an increased contribution to tuition costs, but the principle of free higher education was not threatened, as the State continued to fund approximately 85 per cent of the actual tuition cost through tuition subsidies. In addition, in 1992 a loan scheme had been introduced to assist students in financing their higher education. A means test was applied for students under 25 in order to provide greater assistance to students from low-income families.

80. Despite the increase in tuition fees, the number of enrolments in higher education establishments had increased sharply over the previous five years. Of the 202,143 students enrolled in 1993, 51 per cent were women, 29 per cent persons aged over 25 and 14 per cent persons aged over 40. The ratio of Maori students in universities had risen from approximately 3.8 per cent in 1987 to 7 per cent in 1991; in 1992, 9 per cent of higher education students as a whole were Maori and 2.4 per cent were members of Pacific Island ethnic groups. The Government had also decided to increase the rate of tuition subsidy for students in their first year of higher education in order to encourage young people to continue their education. It could therefore be concluded that higher education, as a whole, was accessible to all, regardless of age and sex (issue No. 47).

81. In reply to the question raised under issue No. 48, he drew the Committee's attention to the document comparing remuneration and salaries, distributed to the members of the Committee in the meeting room, and pointed out that between 1981 and 1986 the average remuneration of teachers had risen in comparison to that of the civil servants for whom data were available; during the period under review, the remuneration of male secondary school teachers had risen from 89 per cent to 98 per cent of the average salary for the selected occupations, and that of female primary school teachers from 73 per cent to 88 per cent. In contrast, the salary of female pre-school teachers had fallen to half the average salary of women in civil-service occupations. According to 1991 statistics, the average salary of teachers ranged from approximately $NZ 28,000 for kindergarten teachers to over $NZ 42,000 for secondary school teachers. Teachers' salaries were not considered inadequate in comparison with those of other sectors within the labour force, and there were no programmes to improve the standard of living of teachers. No overall increase in teachers' salaries had been negotiated since 1990, as the rate of inflation was very low.

82. Lastly, in connection with issue No. 49, he said that as New Zealand was a developed country, it did not normally expect to receive international assistance to realize the right to education.

83. Mr. SIMMA, referring to the table comparing teachers' salaries to those of other civil service occupational groups, expressed surprise that in 1981 a male pre-school teacher had been able to earn twice as much as his female colleague and more than a secondary school teacher: he wondered whether there was not a statistical error. In addition, there was still a gap between the average salary of men and women; he asked whether that meant that different scales applied, depending on sex.

84. Mr. GRISSA noted the same incongruity and asked for details of the cost of studies. In particular, he asked for details of the tuition costs and other fees paid by New Zealand students and foreign students.

85. Mr. CEAUSU asked for details of article 7 of the Immigration Act, referred to in paragraph 599 of the report (E/1990/5/Add.5), and for specific examples of the application of article 4 of the Act, pursuant to which foreign students were in some cases entitled to enrol in public schools, and once enrolled, authorized to remain enrolled like any other person. He also asked whether the children of diplomatic and consular staff were entitled to free primary education in New Zealand.

86. Mrs. BONOAN-DANDAN, also referred to the table comparing salaries and noted that there was still a gap between men's salaries and those of women, except in the case of members of Parliament, and asked what measures had been adopted or were planned to eliminate wage inequality.

87. Mrs. JIMÉNEZ BUTRAGUEÑO asked whether grants were solely awarded on the basis of family income or if school performance was also taken into account. She also asked whether any measures had been adopted to simplify access by adults to education, either in the form of literacy programmes or of lifelong education for persons encountering difficulties in keeping a job. She further asked whether there were any measures to facilitate the access of the elderly to higher education and inquired what the impact of any such programmes and measures had been.

88. The CHAIRPERSON invited the representative of New Zealand to reply to the questions put orally.

89. Mr. BEEBY (New Zealand) said that he would provide as complete a reply as possible to all the questions put by Mr. Alvarez Vita, and by the other experts at a later date. Regarding the point raised by Mr. Simma, he explained that the wages scale in education applied regardless of sex and that the gaps that appeared were undoubtedly attributable to the fact that men had been promoted faster than women. He confirmed that the children of diplomatic and consular staff were entitled to attend public schools free of charge. He said that he would reply to the other questions put by the experts at a later date.

90. Mr. SIMMA said that the details provided by the representative of New Zealand undoubtedly accounted for the gap between male and female salaries, but failed to explain the surge in the remuneration of female parliamentarians between 1981 and 1986. He also asked for details of the change in the rate of inflation in comparison to the minimum wage.

91. Mr. HUNT (New Zealand) said that the rate of inflation had remained relatively high until the end of the 1980s, when it had been between 10 and 20 per cent; in contrast, it had fallen sharply since 1990, and had been merely 0.8 per cent in May 1992 and 1 per cent in May 1993.

92. Mr. BEEBY (New Zealand) said that the current equality in the remuneration of parliamentarians meant that there were far more female parliamentarians and ministers than in 1981. The gap between the remuneration of parliamentarians and that of other civil service employees was undoubtedly attributable to the fact that nowadays there were more ministers than before. Lastly, the averages were somewhat distorted by the fact that the remuneration of ministers was far higher than that of other members of Parliament.

Article 15

93. Mr. BEEBY (New Zealand), referring to item No. 50, said that in recent years New Zealand had made considerable efforts to ensure that every member of society had not only the right, but also the opportunity to take part in cultural life. He referred to paragraphs 749 to 851 of the New Zealand report and added that the efforts had been reflected in an increase in the volume of publications, in particular of writing by Maori authors, and by the fact that New Zealand now had a film industry. In addition, broadcasts in Maori or focusing on Maori issues had increased, while the question of funding for cultural activities given Maori status under the Treaty of Waitangi was currently under consideration.

The meeting rose at 6.05 p.m.